

MONTANA JURY ISSUES

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For the Montana Office of the Public Defender Training Conference
(Thursday afternoon Session: October 14, 2009)

TOPICS IN VOIR DIRE

1. Sample Voir Dire

- a. Introductions: Self, Counsel, Client
- b. List of Witnesses
- c. Media coverage
- d. See, Hear, Sit
- e. Time commitments or other pressing concerns
- f. Previous jury service
- g. Evidentiary objections
- h. Burden of Proof
- i. Reasonable doubt
- j. Jurors contacts with the criminal justice system
- k. Relatives in law enforcement
- l. Knowledge of other jurors
- m. Right not to testify
- n. Trading places question
- o. Racial or ethnic issues
- p. Keep an open mind
- q. Promise to return a not guilty verdict if State cannot prove case
- r. Charge specific considerations
 - i. DUI
 - ii. Sex crimes
 - iii. Failure to register
 - iv. Property crimes
 - v. Drug offenses

2. Case law considerations

3. Change of venue and jury questionnaires

4. Batson issues